

EXHIBIT 10



Zachary Dolling <zachary@texascivilrightsproject.org>

Re: SB1 Litigation: Meet and Confer Next Week re: OCA Plaintiffs' discovery requests

1 message

Zachary Dolling <zachary@texascivilrightsproject.org>

Mon, Nov 7, 2022 at 2:40 PM

To: Eric Nichols <Eric.Nichols@butlersnow.com>

Cc: Karson Thompson <Karson.Thompson@butlersnow.com>, Berkowitz, Eitan <eitan.berkowitz@afslaw.com>, Hani Mirza <hani@texascivilrightsproject.org>, Chris Rainbolt <chris@texascivilrightsproject.org>, Mimi Marziani <mimi@texascivilrightsproject.org>, Sarah Chen <schen@texascivilrightsproject.org>, Ashley Harris <aharris@aclutx.org>, Thomas Buser-Clancy <tbuser-clancy@aclutx.org>, Savannah Kumar <skumar@aclutx.org>, Jerry Vattamala <jvattamala@aaldef.org>, slorenzo-giguere <slorenzo-giguere@aaldef.org>, Patrick Stegemoeller <pstegemoeller@aaldef.org>, phofer@drtx.org <phofer@drtx.org>, Marisol McNair <mmcnair@disabilityrightstx.org>, Lucia Romano <lromano@disabilityrightstx.org>, Lisa Snead <lsnead@disabilityrightstx.org>, Sophia Lakin <slakin@aclu.org>, "Adriel I. Cepeda Derieux" <ACepedaDerieux@aclu.org>, Ari Savitzky <asavitzky@aclu.org>, Susan Mizner <smizner@aclu.org>, "Amunson, Jessica Ring" <JAmunson@jenner.com>, "shirsch@jenner.com" <SHirsch@jenner.com>, "Mittal, Urja R." <UMittal@jenner.com>, "Trepp, Alex S." <atrepp@jenner.com>, "Cai, Sophia L." <scail@jenner.com>, "j.michael.showalter@afslaw.com" <j.michael.showalter@afslaw.com>, "ksadasivan@naacpldf.org" <ksadasivan@naacpldf.org>, "lsnead@drtx.org" <lsnead@drtx.org>, "chostetler@freespeechforpeople.org" <chostetler@freespeechforpeople.org>, "wendy.olson@stoel.com" <wendy.olson@stoel.com>, Chris Dodge <cdodge@elias.law>, Graham White <gwhite@elias.law>, Uzoma Nkwonta <unkwonta@elias.law>, Elena Rodriguez Armenta <erodriguezarmenta@elias.law>

Eric,

Thanks for meeting last Friday, November 4. From my notes, what you told us regarding your search for mail-ballot and assistance related criminal investigations and prosecutions originating with the Harris County District Attorney's Office (HCDAO) was as follows:

1. You had not gone past 2018 in searching past records because that would require accessing a warehouse with physical records and you believe that is too burdensome.
2. You could not tell us what search terms were used in conducting this search, but said it had been done by people knowledgeable about the office's activities in these areas.
3. The search showed that from 2018 to present there have been no cases charged or that have led to conviction for mail-in ballot or assistance related offenses.
4. The search showed no criminal cases pending that relate to mail-in ballot or assistance offenses.
5. The search showed that there are four referrals pending for election-related offenses: one for mail-in ballot activity, one for a felon illegally voting, and two for non-citizens illegally voting.
6. The search showed that there had been and/or may be ongoing investigations related to mail-ballot and assistance offenses. We discussed what constitutes an "investigation" and I defined it as any affirmative step by HCDAO after receiving a referral, such as devoting HCDAO's or another agency's law enforcement efforts to looking into the referral. You said you would not give any further details on any of those investigations. You take this position because you believe the Texas Public Information Act applies to both ongoing and closed investigations.

At the end of the meet and confer you agreed to ascertain the number of investigations as described above and we agreed to meet next Monday to discuss your findings.

To that end, our availability next Monday, November 14 is 9-10 am. We can also be available next Tuesday, November 15, from 4-5 pm.

Please let us know by EOD Thursday November 10 whether those times work for you.

Thank you,

Zach Dolling

Texas Civil Rights Project

Mobile: 512-496-4746

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On Thu, Nov 3, 2022 at 1:30 PM Eric Nichols <Eric.Nichols@butlersnow.com> wrote:

2:30 works. We can use my conference bridge:

Conference Line: (855) 824-4232

Access Code: 7378021807

Eric

Eric J.R. Nichols**Butler Snow LLP**

D: (737) 802-1807 | C: | F: (737) 802-1801

1400 Lavaca Street, Suite 1000, Austin, TX 78701

Eric.Nichols@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Zachary Dolling <zachary@texascivilrightsproject.org>**Sent:** Thursday, November 3, 2022 10:36 AM**To:** Eric Nichols <Eric.Nichols@butlersnow.com>

Cc: Karson Thompson <Karson.Thompson@butlersnow.com>; Berkowitz, Eitan <eitan.berkowitz@afslaw.com>; Hani Mirza <hani@texascivilrightsproject.org>; Chris Rainbolt <chris@texascivilrightsproject.org>; Mimi Marziani <mimi@texascivilrightsproject.org>; Sarah Chen <schen@texascivilrightsproject.org>; Ashley Harris <aharris@aclutx.org>; Thomas Buser-Clancy <tbuser-clancy@aclutx.org>; Savannah Kumar <skumar@aclutx.org>; Jerry Vattamala <jvattamala@aaldef.org>; slorenzo-giguere <slorenzo-giguere@aaldef.org>; Patrick Stegemoeller <pstegemoeller@aaldef.org>; phofer@drtx.org; Marisol McNair <mmcnair@disabilityrightstx.org>; Lucia Romano <lromano@disabilityrightstx.org>; Lisa Snead <lsnead@disabilityrightstx.org>; Sophia Lakin <slakin@aclu.org>; Adriel I. Cepeda Derieux <ACepedaDerieux@aclu.org>; Ari

Texas Civil Rights Project Mail re: SB1 Litigation: Meet and Confer Next Week re: OCA Plaintiffs' discovery requests

Savitzky <asavitzky@aclu.org>; Susan Mizner <smizner@aclu.org>; Amunson, Jessica Ring <JAmunson@jenner.com>; shirsch@jenner.com; Mittal, Urja R. <UMittal@jenner.com>; Trepp, Alex S. <atrepp@jenner.com>; Cai, Sophia L. <scai@jenner.com>; j.michael.showalter@afslaw.com; ksadasivan@naacpldf.org; lsnead@drtx.org; chostetler@freespeechforpeople.org; wendy.olson@stoel.com; Chris Dodge <cdodge@elias.law>; Graham White <gwhite@elias.law>; Uzoma Nkwonta <unkwonta@elias.law>; Elena Rodriguez Armenta <erodriguezarmenta@elias.law>

Subject: Re: SB1 Litigation: Meet and Confer Next Week re: OCA Plaintiffs' discovery requests

Eric,

We are available from 2:30 - 3:30 tomorrow.

Thanks,

Zach Dolling

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Mobile: 512-496-4746

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On Thu, Nov 3, 2022 at 9:33 AM Eric Nichols <Eric.Nichols@butlersnow.com> wrote:

I can confer by phone any time after 1 p.m. tomorrow. Let me know. Thanks.

Eric

Eric J.R. Nichols

Butler Snow LLP

D: (737) 802-1807 | C: | F: (737) 802-1801

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Eric.Nichols@butlersnow.com | vCard | Bio

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From: Zachary Dolling <zachary@texascivilrightsproject.org>

Sent: Wednesday, November 2, 2022 12:15 PM

To: Eric Nichols <Eric.Nichols@butlersnow.com>

Cc: Karson Thompson <Karson.Thompson@butlersnow.com>; Berkowitz, Eitan <eitan.berkowitz@afslaw.com>; Hani Mirza <hani@texascivilrightsproject.org>; Chris Rainbolt <chris@texascivilrightsproject.org>; Mimi Marziani <mimi@texascivilrightsproject.org>; Sarah Chen <schen@texascivilrightsproject.org>; Ashley Harris <aharris@aclutx.org>; Thomas Buser-Clancy <tbusser-clancy@aclutx.org>; Savannah Kumar <skumar@aclutx.org>; Jerry Vattamala <jvattamala@aaldef.org>; slorenzo-giguere <slorenzo-giguere@aaldef.org>; Patrick Stegemoeller <pstegemoeller@aaldef.org>; phofer@drtx.org; Marisol McNair <mmcnair@disabilityrightstx.org>; Lucia Romano <lromano@disabilityrightstx.org>; Lisa Snead <lsnead@disabilityrightstx.org>; Sophia Lakin <slakin@aclu.org>; Adriel I. Cepeda Derieux <ACepedaDerieux@aclu.org>; Ari Savitzky <asavitzky@aclu.org>; Susan Mizner <smizner@aclu.org>; Amunson, Jessica Ring <JAmunson@jenner.com>; shirsch@jenner.com; Mittal, Urja R. <UMittal@jenner.com>; Trepp, Alex S. <atrepp@jenner.com>; Cai, Sophia L. <scai@jenner.com>; j.michael.showalter@afslaw.com; ksadasivan@naacpldf.org; lsnead@drtx.org; chostetler@freespeechforpeople.org; wendy.olson@stoel.com; Chris Dodge <cdodge@elias.law>; Graham White <gwhite@elias.law>; Uzoma Nkwonta <unkwonta@elias.law>; Elena Rodriguez Armenta <erodriguezarmenta@elias.law>

Subject: Re: SB1 Litigation: Meet and Confer Next Week re: OCA Plaintiffs' discovery requests

Eric,

Please provide, by 5 PM central today, a time you are available for a meet and confer tomorrow, Thursday November 3.

Thanks,

Zach Dolling

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Mobile: 512-496-4746

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On Fri, Oct 28, 2022 at 9:22 AM Zachary Dolling <zachary@texascivilrightsproject.org> wrote:

Eric,

Thank you for your response. We can be available next Thursday, November 3. Please let us know what times work for you on that date.

Thanks,

Zach Dolling

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On Fri, Oct 28, 2022 at 8:55 AM Eric Nichols <Eric.Nichols@butlersnow.com> wrote:

Let's set a time for late next week. I hope to have an update by then. Thanks and have a good weekend.

Eric

Eric J.R. Nichols

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From: Zachary Dolling <zachary@texascivilrightsproject.org>

Sent: Thursday, October 27, 2022 3:25 PM

To: Karson Thompson <Karson.Thompson@butlersnow.com>; Eric Nichols <Eric.Nichols@butlersnow.com>

Cc: Berkowitz, Eitan <eitan.berkowitz@afslaw.com>; Hani Mirza <hani@texascivilrightsproject.org>; Chris Rainbolt <chris@texascivilrightsproject.org>; Mimi Marziani <mimi@texascivilrightsproject.org>; Zachary Dolling <zachary@texascivilrightsproject.org>; Sarah Chen <schen@texascivilrightsproject.org>; Ashley Harris <aharris@aclutx.org>; Thomas Buser-Clancy <tbuser-clancy@aclutx.org>; Savannah Kumar <skumar@aclutx.org>; Jerry Vattamala <jvattamala@aaldef.org>; slorenzo-giguere <slorenzo-giguere@aaldef.org>; Patrick Stegemoeller <pstegemoeller@aaldef.org>; phofer@drtx.org; Marisol McNair <mmcnair@disabilityrightstx.org>; Lucia Romano <lromano@disabilityrightstx.org>; Lisa Snead <lsnead@disabilityrightstx.org>; Sophia Lakin <slakin@aclu.org>; Adriel I. Cepeda Derieux <ACepedaDerieux@aclu.org>; Ari Savitzky <asavitzky@aclu.org>; Susan Mizner <smizner@aclu.org>; Amunson, Jessica Ring <JAmunson@jenner.com>; shirsch@jenner.com; Mittal, Urja R. <UMittal@jenner.com>; Trepp, Alex S. <atrepp@jenner.com>; Cai, Sophia L. <scai@jenner.com>; j.michael.showalter@afslaw.com; ksadasivan@naacpldf.org; lsnead@drtx.org; chostetler@freespeechforpeople.org; wendy.olson@stoel.com; Chris Dodge <cdodge@elias.law>; Graham White <gwhite@elias.law>; Uzoma Nkwonta <unkwonta@elias.law>; Elena Rodriguez Armenta <erodriguezarmenta@elias.law>

Subject: SB1 Litigation: Meet and Confer Next Week re: OCA Plaintiffs' discovery requests

Counsel,

It has now been nearly seven months since the OCA Plaintiffs served their requests for production and interrogatories on Defendant Kim Ogg. In that time you have not produced any documents or answered any interrogatories. The district court has resolved your sovereign immunity arguments against you, denied your motion to stay discovery, and ordered you to comply with discovery. The Fifth Circuit has denied your motion to stay discovery pending resolution of your appeal on the merits.

You agreed to meet and confer, for the first time, last Wednesday, October 19, 2022. You agreed that prior to our next meet and confer you would talk to your client to ascertain what responsive information the Harris County DA's office has relating to investigations and prosecutions of voting-assistance and mail-ballot fraud related offenses, including those pursuant to SB1, while we agreed to be ready at that time to discuss the materials the Travis County DA's office had produced to us in response to the identical discovery requests we sent that office. We then agreed to meet and confer early the next week—a timeline you suggested—to share that information and discuss next steps. I sent a follow-up e-mail the next day, Thursday, October 20, 2022, memorializing our conversation and including times that we were available to meet and confer on Tuesday, October 25, 2022, and Wednesday, October 26, 2022. You have not responded to that e-mail and the times suggested for meeting have passed.

Plaintiffs have been exceedingly patient during this process, but that patience has limits. While we are willing to meet and confer regarding these requests, doing so requires your participation and for you to have some idea of what information your client possesses and can produce. If we are unable to meet and confer, set a timeline for production, and adhere to that timeline, then we see no recourse but to involve the Court.

Please let us know when you will be available to meet and confer next week and be prepared to discuss what information your client is able to produce with respect to investigations and prosecutions of voting-assistance and mail-ballot fraud related offenses, including those pursuant to SB1, as well as next steps. Plaintiffs will be prepared to discuss what materials the Travis County DA has produced and the possibility of narrowing our requests to streamline discovery going forward.

Thank you,

Zach Dolling

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